

Lance J. Hendron  
Nevada State Bar No. 11151  
HENDRON LAW GROUP, LLC  
625 S. Eighth Street  
Las Vegas, Nevada 89101  
Office: (702) 710-5555  
Fax: (702) 387-0034  
Email: [lance@hlg.vegas](mailto:lance@hlg.vegas)

Local Counsel

Brandon Sample  
Vermont Bar No. 5573  
Brandon Sample PLC  
P.O. Box 250  
Rutland, Vermont 05702  
Phone: (802) 444-4357  
Email: [brandon@brandonsample.com](mailto:brandon@brandonsample.com)  
Counsel *Pro Hac Vice*  
For the F.A.J.R. Magic Trust

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA

Plaintiff,

v.

JAN ROUVEN FUECHTENER,

Defendant.

Case No. 2:16-cr-00100-GMN-CWH

**REPLY IN SUPPORT OF MOTION  
FOR RELEASE OF FUNDS TO  
F.A.J.R. MAGIC TRUST**

Intervenor F.A.J.R. Magic Trust (“Magic Trust”) respectfully submits this  
reply in support of its Motion for Release of Funds to the F.A.J.R. Magic Trust. The  
civil plaintiffs acknowledge that their motion for prejudgment writ of attachment

1 was denied. (ECF 420 at 2). Nevertheless, the civil plaintiffs assert that they do not  
2 “waive any post-judgment remedies to recover against Defendant or F.A.J.R. Magic  
3 Trust or any other property belonging to Defendant, and Plaintiffs do not waive  
4 claims with respect to statutes of limitations for vesting periods of the trust, or the  
5 right to challenge the trust itself, or causes of action for fraudulent conveyance.”  
6 (ECF 420 at 2). In addition, the civil plaintiffs state that, “[t]his representation is  
7 particularly important in light of the fact that Defendant’s motion for release of  
8 funds was made after his Motion to Dismiss the civil case was denied [Doc. 50,  
9 entered 10/27/2020], and while a Motion for Summary Judgment is pending in the  
10 civil case[Doc. 41].” (ECF 420 at 2).

11 First, regardless of whatever post-judgment remedies the civil plaintiffs may  
12 like to assert, they do not currently have a judgment. The civil plaintiffs’ *hope* for a  
13 judgment cannot serve as a *de facto* mechanism to continue to hold funds in the  
14 registry of the Court given that their prejudgment motion for writ of attachment  
15 has been denied.

16 Second, the civil plaintiffs are incorrect to assert that this motion is made by  
17 the Defendant in this matter. The motion for release of funds is made by the  
18 F.A.J.R. Magic Trust alone.

19 Third, and finally, the timing of the presentment of the motion for release of  
20 funds cannot serve as a basis for the Court to continue to hold the funds. After the  
21 prejudgment writ of attachment was denied, the country faced the COVID-19  
22 epidemic. The attorney who previously represented the F.A.J.R. Magic Trust,  
23

Respectfully submitted,

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Las Vegas, Nevada 89101  
Office: (702) 710-5555  
Fax: (702) 387-0034  
Email: [lance@hlq.vegas](mailto:lance@hlq.vegas)

Page 3 of 4

1  
2 /s/ Brandon Sample  
3 Brandon Sample  
4 **Brandon Sample PLC**  
5 P.O. Box 250  
6 Rutland, Vermont 05702  
7 Phone: (802) 444-4357  
8 Email: [brandon@brandonsample.com](mailto:brandon@brandonsample.com)  
9 Vermont Bar No. 5573  
10 <https://brandonsample.com>

11 Counsel *Pro Hac Vice* for the  
12 F.A.J.R. Magic Trust

13  
14  
15 **CERTIFICATE OF SERVICE**

16 I hereby certify that a true and correct copy of the foregoing was served this  
17 11th day of November 2020, via CM/ECF on all counsel of record.  
18  
19  
20  
21  
22  
23

15 /s/ Brandon Sample  
16 Brandon Sample